

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 78/860580

Filed On: April 13, 2006

For the Mark: SWAT MOSQUITO SYSTEMS

Published in the *Official Gazette* on: November 14, 2006

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NCH Corporation	:	
	:	
Opposer,	:	Opposition No. 91176133
	:	
v.	:	
	:	APPLICANT'S ANSWER &
Swat Mosquito Systems, LLC.	:	AFFIRMATIVE DEFENSES
	:	
Applicant.	:	
-----X	:	

Applicant in the above-identified opposition proceeding, by and through its respective attorneys, hereby answers the Notice of Opposition filed by NCH Corporation ("NCH") and asserts its affirmative defenses.

ANSWER

- Applicant is without knowledge as to whether Checkmark, a division of DM Resources, Inc. (a subsidiary of NCH Corporation) is the owner of the trademark "SWAT" and, therefore, the allegation is denied. Applicant is also without knowledge as to whether Checkmark, a division of DM Resources, Inc. (a subsidiary of NCH Corporation) has used the mark "SWAT" since 1974 and, therefore, the allegation is denied. Applicant denies that use of its mark "SWAT Mosquito Systems" and Design infringes upon the trademark rights of Opposer or will likely lead to confusion.
- All other statements or allegations in the Notice of Opposition that are not expressly admitted are hereby denied.

05-25-2007

AFFIRMATIVE DEFENSES

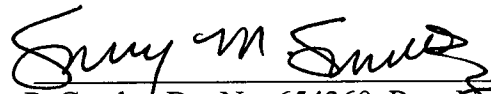
1. As its First Affirmative Defense, Applicant asserts that Opposer's mark is weak and subject to limited protection. The term "SWAT," which comprises Opposer's entire mark, is a commonly used term in marks registered or used by third parties for similar or related goods and services and in similar channels of trade.
2. As its Second Affirmative Defense, Applicant asserts that Opposer's mark is not unique or distinctive.
3. As its Third Affirmative Defense, Applicant asserts that its intended use of its mark, SWAT Mosquito Systems & Design, in connection with its goods/services is manifestly distinct from Opposer's mark and, therefore, confusion, mistake or deception is not likely to occur.
4. As its Fourth Affirmative Defense, Applicant asserts that Opposer has abandoned its rights in the mark SWAT by allowing other unrelated companies to use the mark in connection with similar or related goods/services and in similar channels of trade.
5. As its Fifth Affirmative Defense, Applicant asserts that Opposer, NCH Corporation, does not have standing to assert rights on behalf of DM Resources, Inc., the purported owner of the mark as alleged in the Notice of Opposition.
6. Applicant reserves the right to add or amend its affirmative defenses as discovery continues.

WHEREFORE, Applicant respectfully requests that the relief sought by Opposer be denied and that Applicant's application proceed for further processing for registration on the Principal Register.

Respectfully submitted,

SWAT MOSQUITO SYSTEMS, LLC

Dated: May 23rd, 2007

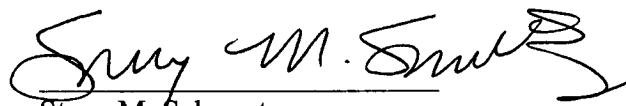
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES is being deposited with the United States Postal Service as first class mail, postage prepaid, to counsel for Opposer on this 23rd day of May, 2007 as follows:

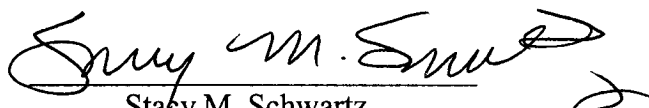
Bonnie Bowes Reinke
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Irving, TX 75062


Stacy M. Schwartz

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on May 23rd, 2007.

Date: May 23rd, 2007


Stacy M. Schwartz